

Whereas the Hong Kong Police Force used excessive force to try to quell the 2019–2020 protestors, many of whom were under the age of 30;

Whereas the Government of the People's Republic of China responded to these protests by passing and implementing the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (commonly referred to as the "Hong Kong national security law") a vaguely defined criminal statute that includes overly broad charges and extraterritorial reach to punish people for exercising their fundamental rights and freedoms;

Whereas, since its enactment in June 2020, this law has been used by the Government of the People's Republic of China as a pretext to crack down on legitimate and peaceful expression, including the exercise of freedoms of assembly, speech, and religious belief provided for under the Basic Law, to replace the Hong Kong legislature with individuals loyal to the Chinese Communist Party, and to pass new immigration laws that subject Hong Kong citizens and residents, as well as PRC nationals and foreign nationals, to exit bans in Hong Kong similar to those implemented in mainland China;

Whereas more than 200 people have been arrested under the Hong Kong national security law since its enactment in June 2020;

Whereas the Government of the People's Republic of China is using the Hong Kong national security law to harass, target, and threaten non-Hong Kong citizens and those outside of Hong Kong, based upon for unsubstantiated and vague allegations of "endangering national security";

Whereas, Jimmy Lai, a 75-year-old Hong Kong pro-democracy advocate and media entrepreneur, has been targeted and persecuted for decades, most recently through multiple prosecutions, including related to exercising his rights to freedom of peaceful assembly and freedom of expression, his sentencing to over five years in prison under politically motivated fraud charges and the seizure of his multimillion dollar independent media organization Apple Daily by the Hong Kong authorities;

Whereas Mr. Lai is now one of the highest profile cases facing trial under vaguely-defined charges under the so-called "national security law";

Whereas, Cardinal Zen, a 90-year-old Roman Catholic cardinal, and five other colleagues were found guilty of politically motivated charges related to failing to register a humanitarian fund that helped anti-government protesters;

Whereas the Government of the People's Republic of China's undermining of democracy in Hong Kong has ramifications for the international order, including with regard to the future of Taiwan;

Whereas the Hong Kong government has conducted a public relations campaign to convince global business leaders that Hong Kong remains a critical and attractive international financial center, while simultaneously undermining the independence of institutions that encouraged its growth over the past several decades;

Whereas Hong Kong still maintains a separate voting share from the People's Republic of China at many multilateral organizations—including the Asia Pacific Economic Cooperation forum, the Financial Action Task Force, the International Olympic Committee, and the World Trade Organization—effectively doubling the People's Republic of China's voting power at these critical institutions; and

Whereas the Hong Kong Human Rights and Democracy Act (Public Law 116-76; 22 U.S.C. 5701 note), signed into law in November 2019,

requires the President to use sanctions to promote accountability for those responsible for certain conduct that undermines fundamental freedoms and autonomy in Hong Kong: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the Government of the People's Republic of China's "Hong Kong national security law" and related human rights abuses;

(2) urges all governments that value democracy or autonomy to hold the Chinese Communist Party accountable for its destruction of Hong Kong's autonomy, rule of law, and freedoms;

(3) supports the people of Hong Kong as they fight to exercise fundamental rights and freedoms, as enumerated by—

(A) the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984;

(B) the International Covenant on Civil and Political Rights, done at New York December 19, 1966; and

(C) the Universal Declaration of Human Rights, done at Paris December 10, 1948;

(4) condemns the Government of the People's Republic of China's practice of bringing false and politically motivated charges, such as fraud, against Hong Kongers in order to tarnish their reputations in advance of their national security law trials;

(5) calls upon the Hong Kong government to immediately drop all sedition and national security law-related charges and free all defendants immediately, including Jimmy Lai and Cardinal Zen;

(6) expresses extreme concern about the Government of the People's Republic of China's state-directed theft of Apple Daily, and holds that Hong Kong no longer has credibility as an international business center due to the erosion of the regulatory and legal environments that have promoted its economic growth for decades;

(7) encourages the United States Government and other governments to take steps at multilateral institutions to ensure that voting procedures recognize that there is no longer a meaningful distinction between Hong Kong and mainland China; and

(8) urges the United States Government to use all available tools, including those authorized by the Hong Kong Human Rights and Democracy Act, in response to the Government of the People's Republic of China's actions in Hong Kong.

#### SENATE RESOLUTION 107—RECOGNIZING THE EXPIRATION OF THE EQUAL RIGHTS AMENDMENT PROPOSED BY CONGRESS IN MARCH 1972, AND OBSERVING THAT CONGRESS HAS NO AUTHORITY TO MODIFY A RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT AFTER THE AMENDMENT HAS BEEN SUBMITTED TO THE STATES OR AFTER THE AMENDMENT HAS EXPIRED

Mrs. HYDE-SMITH (for herself, Mr. LANKFORD, Mr. CRUZ, Mr. COTTON, Mr. MULLIN, Mr. VANCE, Mr. CASSIDY, Mr. RICKETTS, Mr. RUBIO, Mr. BOOZMAN, Mr. KENNEDY, and Mr. LEE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 107

Whereas article V of the Constitution of the United States gives two-thirds of the Senate and two-thirds of the House of Representatives the power to propose constitutional amendments and their mode of ratification by the States;

Whereas the Supreme Court of the United States in *Dillon v. Gloss*, 256 U.S. 368 (1921) unanimously held that Congress may, in proposing a constitutional amendment, incorporate "a definite period for ratification [that] shall be fixed, so that all may know what it is and speculation on what is a reasonable time may be avoided ...";

Whereas the Supreme Court in the *Dillon v. Gloss* decision held that whether Congress uses its power to include such a "definite" deadline was "a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification" of an amendment, which mode Congress has always dictated in the proposing clause of a resolution;

Whereas House Joint Resolution 208, 92nd Congress, referred to in this resolution as the "Equal Rights Amendment Resolution" contained a ratification deadline of 7 years in the proposing clause of the resolution, as has every constitutional amendment submitted by Congress to the States since 1960, and proposed an amendment referred to in this resolution as the "Equal Rights Amendment";

Whereas, in *Illinois v. Ferriero*, No. 21-5096 (D.C. Cir. 2023), a unanimous ruling issued on February 28, 2023, the United States Court of Appeals for the District of Columbia Circuit rejected the claim of the Attorneys General of Illinois and Nevada that a deadline in a proposing clause is not effective, with the court calling that claim "unpersuasive" and observing that "if that were the case, then the specification of the mode of ratification in every amendment in our nation's history would also be inoperative";

Whereas, in the same unanimous ruling, the United States Court of Appeals for the District of Columbia Circuit noted that the Supreme Court has affirmed the authority of Congress to set a binding ratification deadline, and the court of appeals refused to order the Archivist to certify the Equal Rights Amendment as part of the Constitution and dismissed the lawsuit brought by Illinois and Nevada;

Whereas Representative Martha Griffiths, the sponsor of the Equal Rights Amendment Resolution, said in 1971, speaking of the deadline for the Equal Rights Amendment, "I think it is perfectly proper to have the 7-year statute so that it should not be hanging over our heads forever.";

Whereas, under article V of the Constitution, a proposed amendment does not become part of the Constitution unless it is either "ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof" with one or the other mode of ratification being dictated by Congress in the proposing clause of a resolution;

Whereas only 35 States ratified the Equal Rights Amendment before its 7-year deadline, resulting in fewer than the 38 State ratifications necessary for adoption under article V of the Constitution;

Whereas, before the original deadline for the Equal Rights Amendment expired, 4 of the 35 States that voted to ratify voted to rescind their ratifications;

Whereas Justice Ruth Bader Ginsburg in 2020 observed, when explaining why she thought the Equal Rights Amendment needed to start over, "If you count a latecomer on the plus side, how can you disregard States that said we've changed our minds?";

Whereas, in *Idaho v. Freeman*, 529 F. Supp. 1107 (D. Idaho 1981), Judge Marion Callister

of the United States District Court for the District of Idaho held that article V of the Constitution did not permit Congress to extend a ratification deadline, writing, "Once the proposal has been formulated and sent to the States, the time period could not be changed any more than the entity designated to ratify could be changed from the State legislature to a State convention or vice versa. Once the proposal is made, Congress is not at liberty to change it.";

Whereas, on March 5, 2021, Judge Rudolph Contreras of the United States District Court for the District of Columbia held in *Virginia v. Ferriero*, 525 F. Supp. 3d 36 (2021) that the deadline contained in the Equal Rights Amendment Resolution was constitutionally valid and that the legislative actions of 3 State legislatures in 2017 through 2020, purporting to ratify the Equal Rights Amendment, "came too late to count";

Whereas Judge Contreras noted, "Inclusion of a deadline was a compromise that helped Congress successfully propose the ERA where previous attempts to pass a proposal had failed.";

Whereas, while Judge Contreras found it unnecessary to reach the question of whether Congress could retroactively alter a deadline, he did observe that "the effect of a ratification deadline is not the kind of question that ought to vary from political moment to political moment ... Yet leaving the efficacy of ratification deadlines up to the political branches would do just that.";

Whereas, on January 6, 2020, the Department of Justice Office of Legal Counsel issued a legal opinion stating, "We do not believe, however, that Congress in 2020 may change the terms upon which the 1972 Congress proposed the ERA for the States' consideration. Article V does not expressly or implicitly grant Congress such authority. To the contrary, the text contemplates no role for Congress in the ratification process after it proposes an amendment. Moreover, such a congressional power finds no support in Supreme Court precedent.";

Whereas the 2020 Office of Legal Counsel opinion also observed, "Because Congress and the State legislatures are distinct actors in the constitutional amendment process, the 116th Congress may not revise the terms under which two-thirds of both Houses proposed the ERA Resolution and under which 35 State legislatures initially ratified it. Such an action by this Congress would seem tantamount to asking the 116th Congress to override a veto that President Carter had returned during the 92nd Congress, a power this Congress plainly does not have."; and

Whereas in oral argument before the United States Court of Appeals for the District of Columbia Circuit in the *Virginia v. Ferriero* case on September 28, 2022, Judge Robert Wilkins of that Court asked Deputy Assistant Attorney General Sarah Harrington, "Why shouldn't the Archivist just certify and publish [the Equal Rights Amendment] and let Congress decide whether the deadline should be enforced ...?", and Ms. Harrington answered, "The Constitution doesn't contemplate any role for Congress at the back end. Congress proposes the amendment, it goes out into the world, and the States do what they're going to do": Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that, under article V of the Constitution, the legitimate constitutional role of Congress in the constitutional amendment process for the Equal Rights Amendment ended when Congress proposed and submitted the Equal Rights Amendment to the States on March 22, 1972;

(2) recognizes that the Equal Rights Amendment expired when its ratification

deadline passed with fewer than three-fourths of the States ratifying;

(3) recognizes that Congress has no power to modify a resolution proposing a constitutional amendment after the amendment has been submitted to the States, or after the amendment has expired; and

(4) recognizes that the only legitimate way for the Equal Rights Amendment to become part of the Constitution is provided in article V of the Constitution, and requires re-introduction of the same or modified language addressing the same subject, through approval of a new joint resolution by the required two-thirds votes in each house of Congress.

#### SENATE RESOLUTION 108—RECOGNIZING THE KINGDOM OF BHUTAN AS RESPONSIBLE FOR THE OPPRESSION AND FORCED EVICTION OF MORE THAN 100,000 BHUTANESE CITIZENS DURING THE LATE 1980S AND 1990S

Mr. BROWN (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 108

Whereas the Kingdom of Bhutan was responsible for the oppression and forced displacement of more than 100,000 Nepali language-speaking Bhutanese citizens, Lhotshampas and Sharchops, in the 1990s due to their identity, culture, language, religion, and political opinion;

Whereas many of these individuals experienced unjust detention, torture, and other forms of human rights abuses;

Whereas many political prisoners continue to be held in Bhutanese prisons for protracted sentences;

Whereas persecuted Bhutanese were forced to cross into Nepal, where some remained for nearly two decades in refugee camps;

Whereas thousands of Bhutanese refugees remain in refugee camps in Nepal, and the Government of Bhutan continues to deny dignified repatriation to those who desire it;

Whereas more than 250,000 Nepali-speaking Lhotshampa Bhutanese still inside Bhutan suffer political, social, and economic oppression as the Government of Bhutan has continuously refused to reinstate the citizenships that were stripped during the 1990s;

Whereas such incidences of human rights violations and abuses and extreme acts of violence perpetrated by any individual actor or state should be condemned;

Whereas the majority of the Nepali-speaking Lhotshampa, who were refugees in Nepal, have now resettled in other countries, including Australia, Canada, Denmark, Netherlands, New Zealand, Norway, the United Kingdom, and the United States;

Whereas, although Bhutan and the United States have not established diplomatic relations, the two countries maintain warm and productive unofficial ties;

Whereas the Kingdom of Bhutan transitioned to democracy in 2008 and has held successive free and fair elections and transitions of power since that time;

Whereas the Kingdom of Bhutan has been a leader in the global fight against climate change and is the only carbon negative country;

Whereas the Kingdom of Bhutan has stood with the United States and other likeminded countries as the United Nations to condemn Russian aggression in Ukraine; and

Whereas, the Kingdom of Bhutan is a close Indo-Pacific partner of the United States committed to upholding the rules-based international order: Now, therefore, be it

*Resolved*, That the Senate—

(1) declares that the Royal Government of Bhutan is responsible for the political, cultural, and ethnic oppression of Nepali-speaking Lhotshampas and Sharchops in Bhutan during the late 1980s and 1990s;

(2) urges the Royal Government of Bhutan to conduct a rapid and unconditional release of all political prisoners, whose crime was demanding democracy and human rights, with due restitution and reparations;

(3) in a spirit of friendship, urges the Royal Government of Bhutan to resume discussions with the Government of Nepal on the status of individuals in Nepal who assert a claim to Bhutan citizenship or residency;

(4) requests the Royal Government of Bhutan to restore citizenship for all Nepali-speaking Lhotshampas that have had it arbitrarily revoked;

(5) requests the Royal Government of Bhutan accept the voluntary return of its citizens from the refugee camps in Nepal; and

(6) urges the Royal Government of Bhutan to enter into a holistic peace building and reconciliation process and institute an independent Truth Commission to publicly investigate any human rights violations and abuses committed during the 1990s, publish its findings, and follow through on its recommendations to ensure no future displacement or oppression of Nepali-speaking Lhotshampas and other minorities in Bhutan.

#### SENATE RESOLUTION 109—REQUESTING INFORMATION ON SAUDI ARABIA'S HUMAN RIGHTS PRACTICES PURSUANT TO SECTION 502B(C) OF THE FOREIGN ASSISTANCE ACT OF 1961

Mr. MURPHY (for himself, Mr. LEE, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

*Resolved*,

#### SECTION 1. REQUEST FOR INFORMATION ON SAUDI ARABIA'S HUMAN RIGHTS PRACTICES.

(a) STATEMENT REQUESTED.—The Senate requests that the Secretary of State, not later than 30 days after the date of the adoption of this resolution, transmits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, pursuant to section 502B(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(c)), a statement regarding Saudi Arabia's human rights practices that has been prepared in collaboration with the Assistant Secretary of State for Democracy, Human Rights, and Labor and the Office of the Legal Adviser.

(b) ELEMENTS.—The statement submitted under subsection (a) should include—

(1) all available credible information concerning alleged violations of internationally recognized human rights by the Kingdom of Saudi Arabia, including—

(A) torture and inhuman treatment of detainees;

(B) execution of people for nonviolent offenses;

(C) discrimination against women;

(D) severe restrictions on religious freedom;

(E) forced disappearances;

(F) transnational repression; and

(G) the denial of the right to life in the context of the armed conflict in Yemen caused by indiscriminate or disproportionate operations;